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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,353	03/21/2001	Manfred Pfalzgraf	740123-351	3471

22204 7590 03/06/2003

NIXON PEABODY, LLP  
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SUITE 800  
MCLEAN, VA 22102

EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

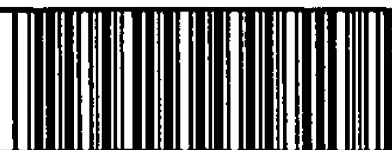
# Office Action Summary

Application No.  
09/813,353

Applicant(s)  
Pfalzgraf

Examiner  
Dennis H. Pedder

Art Unit  
3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/15/2002 and 2/12/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cover guided essentially at the height of the roof contour by the lateral guides over most of the path of movement, claim 7, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawing proposals of 10/15/2002 are not approved. There is no prior art mechanism of record that would produce the claimed movement in this application and hence no schematic illustration of such is permissible.

2. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37

CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Correction is required.

The drawings do not illustrate the mechanism responsible for the claimed movement of claims 1-9. Applicant's remarks of both 10/15/2002 and 2/12/2003 are noted, but, unfortunately not convincing. The newly cited reference US 4,911,496 cannot and does not operate in the manner claimed as the rear cover 14, and while swingable into a "tilted ventilator position" is not "displaceable in a lengthwise direction of the motor vehicle roof into an open position".

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Applicant's remarks are not convincing as such modifications as to "mount the angle piece on a sliding carrier", "coordinated drive cable movements", and "releasable locking block mechanisms" are all not disclosed in this application and while perhaps separately known (no evidence having been provided), use of such mechanisms in this environment would appear to constitute an invention, which is required by U.S. law to be fully disclosed in this application in order for a patent to issue. Further, the mechanism of the patent 4,911,496 *requires* a spring 42 in order to maintain the tilted ventilator position and the technical problems associated with either incorporating same on a sliding carrier or producing this position without a spring would also appear to be an invention, also not disclosed. Applicant's claims having been twice rejected, appeal continues to be an option for further opinion, should applicant so desire.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Paragraph 3 above is incorporated by reference. There is no mechanism disclosed that would result in the claimed movement of the above claims. Applicant has envisioned a desirable result without effect. As a result, the invention appears to be incomplete as of the date of filing.

5. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Paragraph 3 above is incorporated by reference. It is not at all clear how one would enable the movements of claim 1-9.

### *Specification*

6. The disclosure is objected to because of the following informalities: The paragraphs 0020 and 0023 of the amendment of 2/12/2003 contain reference to drawing symbols in non-approved drawings..

Appropriate correction is required.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

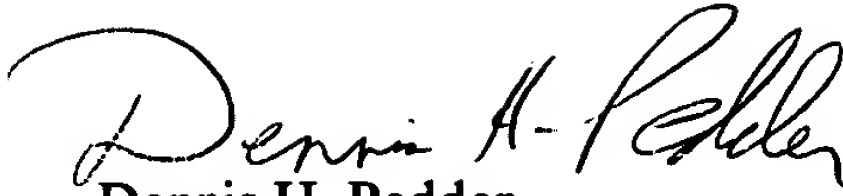
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March 1, 2003

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

3/1/03